

**COMPLAINT INVESTIGATION SUMMARY**

**COMPLAINT NUMBER:** 1795.01  
**COMPLAINT INVESTIGATOR:** Sandie Scudder  
**DATE OF COMPLAINT:** September 10, 2001  
**DATE OF REPORT:** October 10, 2001  
**REQUEST FOR RECONSIDERATION:** no  
**DATE OF CLOSURE:** October 30, 2001

**COMPLAINT ISSUES:**

Whether the South Henry School Corporation and the New Castle Area Programs violated:

- 511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP), specifically:
  - a. failing to provide speech therapy as required; and
  - b. failing to provide auditory trainer.

**FINDINGS OF FACT:**

1. The student (Student) is in kindergarten, is 5 years old, and is eligible for special education and related services as a student with a hearing impairment and a communication disorder.
2. The CCC Report/IEP dated June 14, 2001, stated that the Student was to receive speech services twice weekly for a total of 40 minutes. The Student was to receive hearing impaired services daily: three days a week for 45 minutes each day, and two days a week for 25 minutes each day. These services were to begin on August 20, 2001.
3. On July 23, 2001, the school's SLP resigned, leaving a vacancy in the speech department. The School posted the vacant position on July 23, 2001.
4. In the absence of a School SLP, the pre-school SLP began providing speech therapy services to the Student on September 10, 2001. The pre-school SLP works with the Student twice weekly for a total of forty minutes. Prior to that time speech therapy services were provided by the teacher licensed to teach students with hearing impairments. This teacher is not licensed as a speech language therapist.
5. Speech therapy logs submitted by the Director established that the pre-school SLP has provided speech therapy services to the Student since September 10, 2001, as stated in the IEP dated June 14, 2001.
6. Page six of the CCC Report dated June 14, 2001, states that the Student is to be fitted with an auditory trainer. The first day of school for the Student was August 20, 2001. On August 22, 2001, the School found available parts too small for the student's hearing aides, and ordered new parts on August 29, 2001. The new parts were delivered on September 7, 2001, and were installed into the Student's hearing aides by the audiologist on September 11, 2001. On September 12, 2001, the consultant for students with hearing impairments monitored the use of the auditory trainer in the

Student's classroom.

7. The School attributes delays in ordering the parts to school personnel being unavailable due to the summer break, and the fact that the School did not have an existing account with the company supplying the auditory trainer.

**CONCLUSIONS:**

1. Findings of Fact #2 through #5 indicate that there was an interruption in the provision of speech therapy services to the Student. Therefore, a violation of 511 IAC 7-27-7(a) did occur.
2. Findings of Fact #6 and #7 indicate that the School was to provide the Student with an auditory trainer for the 2001-2002 school year which began on August 20, 2001. The School discovered on August 22, 2001, that available parts did not fit the Student's hearing aid, so the school ordered the necessary parts on August 29, 2001. The Student did not have access to the auditory trainer until September 12, 2001. Therefore, a violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Special Education requires the following corrective action based on the Findings of Fact and Conclusions listed above.**

**CORRECTIVE ACTION:**

The South Henry School Corporation and the New Castle Area Programs shall:

1. convene the CCC for this Student to determine the amount of compensatory speech therapy services that the Student needs and how those services will be provided (length, frequency, duration). **Submit a copy of the CCC Report/IEP to the division no later than October 31, 2001.**
2. send a written memorandum to teachers of record stating that equipment required by the student's IEP must be provided on the initiation date of services as stated on the student's IEP. **A copy of the written memorandum shall be submitted to the Division along with a list of recipients no later than October 24, 2001.**

DATE REPORT COMPLETED: October 10, 2001